

Appl. No.: 10/722,380  
Amdt. dated 06/06/2005  
Reply to Office action of January 5, 2005

### **REMARKS/ARGUMENTS**

Claims 8-9, 11-20, 22-24, 26-27, 30-34, and 39-44 are pending in the application. Claims 1-7, 10, 21, 25, 28-29, and 35-38 have been cancelled without prejudice or disclaimer. Claims 39-44 have been added by this amendment. Support for the new claims can be found throughout the specification, and particularly on pages 8, 13 and 15-16. Claims 8-9, 11-20, 22-24, and 26-27 has been amended to depend from independent Claim 31. Minor changes have been made to several of those claims to ensure consistency with Claim 31. Claim 30 has also been amended to add reference to spunbond fibers, which is fully supported, for example, on page 15. Independent Claim 31 has been amended to recite that the core component comprises less than about 20 percent of the cross-sectional area of the fiber, which is clearly disclosed in the specification, for example, on page 13 and in the examples. Applicants submit that no new matter is introduced by these amendments.

We note with appreciation that the Examiner has returned an initialed copy of the PTO 1449 form originally submitted by Applicants on March 15, 2004. However, the Examiner has indicated that cite numbers 16-18 were not submitted. Accordingly, the abstracts for cited documents numbered 16-18 are included herewith along with a copy of the previously submitted PTO 1449. Additionally, the Examiner appears to indicate that only an abstract of cited reference No. 15 (JP 04 034016) was received by the USPTO. However, Applicants submitted a full translation of that document as indicated on the PTO 1449. Also enclosed is a stamped returned postcard from the USPTO acknowledging receipt of all references. Applicants respectfully request consideration of each disclosed document by the Examiner and return of an initialed copy of the enclosed PTO 1449 form, particularly an initialed PTO 1449 indicating consideration of the full translation of citation number 15 and the abstracts of reference numbers 16-18.

Claims 31-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,162,539 to Shimizu *et al.* The Examiner relies upon the Shimizu reference as teaching a sheath/core bicomponent fiber comprising a core that includes a phosphorescent pigment

Appl. No.: 10/722,380  
Amdt. dated 06/06/2005  
Reply to Office action of January 5, 2005

wherein the ratio of the core to sheath is in the range from 1:3 to 1:1. Applicants respectfully traverse this rejection.

In order to expedite allowance, Applicants have amended independent Claim 31 to recite that the core component comprises less than about 20% of the cross-sectional area of the bicomponent fiber. As will be readily understood, this corresponds to a core/sheath ratio of 1:4 or less. As noted above, support for this amendment may be found throughout the specification, and in particular on page 13, paragraph 53, wherein cross-sectional areas of about 20% or less are clearly set forth. Additional support can be found in Examples 1 and 2, wherein the core of the exemplary fiber comprises only 20% of the cross-sectional area of the fiber.

The Shimizu reference clearly fails to teach or suggest the invention as presently claimed. As noted in the Office Action, the Shimizu reference only teaches a core/sheath ratio as low as 1:3, and in fact, specifically teaches away from a core to sheath ratio of less than 1:3. In column 3 of the cited reference, it is noted that section unevenness tends to develop in the core, thereby resulting in deterioration of fiber-forming properties, when a core-to-sheath ratio of less than 1:3 is utilized. Thus, one of ordinary skill in the art having knowledge of the Shimizu reference would clearly view a core/sheath ratio of 1:3 as a lower limit and would not be motivated to produce a fiber having a core cross-sectional area as low as about 20%, as now recited in independent Claim 31. In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection.


Applicants also note that Claim 31 is generic to the species elections made by Applicants in response to the Examiner's restriction requirement. Since Claim 31 is respectfully submitted to be allowable in its present form, Applicants request examination of additional species and allowance of all claims as now presented pursuant to 37 C.F.R. §1.141.

It is believed that all pending claims are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned should the Examiner have any comments or suggestions in order to expedite examination of this case.

Appl. No.: 10/722,380  
Amdt. dated 06/06/2005  
Reply to Office action of January 5, 2005

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Christopher M. Humphrey  
Registration No. 43,683

Customer No. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

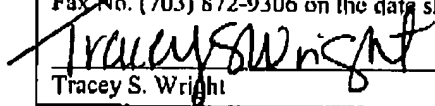
  
Tracey S. Wright

6/6/05  
Date

In re: Meyer *et al.*  
Appl. No.: 10/722,380  
Filed: November 25, 2003  
Page 2

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at  
Fax No. (703) 872-9306 on the date shown below.

  
Tracey S. Wright

  
Date